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ONE HUNDRED NINTH CONGRESS

Congress of the United States

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COMMITTEE ON THE JUDICIARY

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April 19, 2006

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Ms. Charlene Wright Thomas
Chief, Requestor/Liaison Division
Office of Information Programs & Services
A/RPS/IPS/RL
U.S. Department of State, SA-2
Washington, D.C. 20522-6001

Re: Freedom of Information Act Request of June 30, 2005

Dear Ms. Thomas:

I write to follow up on a Freedom of Information Act (FOIA) request that I and 51 of my colleagues made on June 30, 2005, which was revised in a second letter on September 19, 2005.

I understand from your letter dated September 27, 2005 that you have deferred decision on our request for a fee waiver. We assert that the request complies with the applicable provisions of FOIA. 5 U.S.C. § 552(a)(4)(A)(iii).

On March 22, 2006, Ms. Margaret Roman of your office informed a member of my staff that such determinations often involve consideration of (1) the scope of the request, and (2) the extent to which the requesters can disseminate the information to the general public. I am confident that our request fulfills both of these elements.

In my last letter, I refined our request after learning that you considered the scope of the documents and records overbroad and unmanageable. My elimination of two full paragraphs of our five-paragraph letter leaves only three areas for which we are requesting information. Per your instruction, I agreed to significantly limit two of those three areas as well. This should make the request more manageable and reduce the cost of responding. This substantial reduction in the number of potentially responsive documents should satisfy your consideration of the size of the request in determining whether to grant our request for a fee waiver.

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The individuals filing this FOIA request are all Members of Congress with an ability to disseminate information to the public. Seven of the requesters are members of the House Judiciary Committee and four are members of the House International Relations Committee, both of which have jurisdiction over this matter. In addition, every Member of Congress is directly responsible to constituents and countless other American citizens who recognize the prominent role many of the requesting Members have taken in disseminating information on the war in Iraq.

The Members making this request regularly publish information that is disseminated to the public and is widely available to the public at no cost. The records requested are not sought for commercial use. Rather, the requesters plan to disseminate the information as part of an ongoing effort to continuously inform our constituents and the public about governmental operations. For instance, a number of these Members have held town hall meetings in their respective districts on the government's actions leading up to the war. These meetings were widely attended; some of the town halls attracted over 1,000 members of the general public and others had to turn people away at the door due to overcapacity. Just prior to holding my own town hall meeting, I held a conference call to address the war in Iraq with thousands of people from around the country. More than 10,000 members of the general public dialed in from over 350 house parties hosted nationwide in citizens' homes, meetings halls, and even public parks.

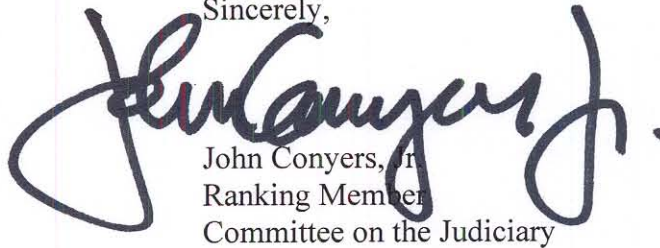
Numerous news articles published since the United States commenced military operations in Iraq and Afghanistan reflect the significant and continued level of public interest in the records we seek. Disclosure of the requested records will contribute significantly to the public's understanding of government conduct and will provide insight into issues that continue to be of grave public concern. In addition, information from the requested documents will be incorporated into a report that my Judiciary Committee staff is currently preparing. Prior experience dictates that that report will be disseminated widely to the American public. Thousands of American citizens have downloaded from the Judiciary Committee's Minority Staff website, or have otherwise acquired, similar reports I have issued on the War in Iraq and the 2004 Presidential Election. Given this wide circulation, the responsive documents should easily meet FOIA's standard for granting a fee waiver of "contribut[ing] significantly to the public understanding of [the requested] activities or operations of the government." 5 U.S.C. § 552(a)(4)(A)(iii).

I appreciate your commitment to exercising due diligence in fulfilling the spirit of our request, and your anticipated expeditious processing of the same.

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Thank you in advance for your continued attention and response to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Conyers, Jr.", with a large, stylized initial "J" and a period at the end.

John Conyers, Jr.
Ranking Member
Committee on the Judiciary